

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, *ex rel.*
DAVID MORGAN,

Plaintiff,

v.

EXPRESS SCRIPTS, INC., MEDCO HEALTH
SOLUTIONS, INC., et al.,

Defendants.

Civil No. 05-01714 (DMC) (JAD)

**STIPULATION AND [PROPOSED] CONSENT ORDER EXTENDING
TIME FOR DEFENDANTS TO REPLY TO PLAINTIFF-RELATOR'S
OPPOSITIONS TO DEFENDANTS' MOTIONS TO DISMISS**

IT IS HEREBY STIPULATED AND AGREED, subject to approval by the Court, that the time for Defendants AmerisourceBergen Corporation, CVS Caremark Corporation, Express Scripts, Inc. and Medco Health Solutions, Inc., First DataBank, Inc., and Wolters Kluwer Health, Inc. d/b/a Medi-Span (collectively, "Defendants") to reply to Plaintiff-Relator David Morgan's Oppositions (Dkts. 190-194) to Defendants' Motions to Dismiss (Dkts. 147-163), shall be extended to and including November 14, 2013. The time to respond otherwise would be on October 25, 2013. This is Defendants' first request for such an extension.

Previously, Defendants' consented to extend the time by which Plaintiff-Relator could file his oppositions to Defendants' Motions to Dismiss from May 6, 2013 to July 29, 2013 and then again from July 29, 2013 to September 6, 2013. (Dkt. 174, 182) Based on those extended dates for Plaintiff-Relator's oppositions, the times for Defendants to file their respective replies were extended accordingly to September 16, 2013 and then subsequently to October 25, 2013.

Id.

Dated: October 23, 2013

STONE & MAGNANINI LLP

By: s/ Robert A. Magnanini

Robert A. Magnanini (RM7356)
150 John F. Kennedy Pkwy, 4th Floor
Short Hills, NJ 07078
Tel: (973) 218-1111
rmagnani@stonemagnalaw.com

*Attorneys for Plaintiff-Relator
United States of America, ex rel.
David Morgan*

MORGAN, LEWIS & BOCKIUS LLP

By: s/ Marie E. Donovan

John P. Lavelle, Jr. (JL6557)
502 Carnegie Center
Princeton, NJ 08540-6289
Tel: (609) 919-6688
jlavelle@morganlewis.com

Eric W. Sitarchuk (*pro hac vice*)
Erica Smith-Klocek (*pro hac vice*)
Meredith S. Auten (*pro hac vice*)
Maire E. Donovan (MD1595)
Jane M. Manchisi (JM6767)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2903
Tel: (215) 963-5000

*Attorneys for Defendant
AmerisourceBergen Corporation*

MARINO, TORTORELLA & BOYLE, P.C.

By: s/ Kevin H. Marino
Kevin H. Marino
John A. Boyle
437 Southern Boulevard
Chatham, New Jersey 07928-1488
Tel: (973) 824-9300
Email: kmarino@khmarino.com

Of Counsel:

Hope S. Foster
William A. Davis
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
701 Pennsylvania Ave, N.W. Suite 900
Washington, DC 20004
Tel: (202) 434-7303
HSFoster@mintz.com

*Attorneys for Defendant
CVS Caremark Corporation*

EDWARDS WILDMAN PALMER LLP

By: s/ Carlos F. Ortiz
Carlos F. Ortiz
Daniel W. Lageman
One Giralda Farms
Madison, New Jersey 07940
(973) 520-2300
cortiz@edwardswildman.com
dlageman@edwardswildman.com

Charles A. Weiss (CW-2628)
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, New York 10019
Tel: (212) 513-3200
charles.weiss@hklaw.com

Michael Manthei
Elizabeth M. Mitchell
Benjamin M. McGovern
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116
(617) 523-2700
michael.manthei@hklaw.com
elizabeth.mitchell@hklaw.com
benjamin.mcgovern@hklaw.com

*Attorneys for Defendants
Express Scripts, Inc. and Medco Health
Solutions, Inc.*

PROSKAUER ROSE LLP

By: s/ Robert J. Cleary

Robert J. Cleary (RC-5597)
Eleven Times Square
New York, NY 10036-8299
Tel: (212) 969-3340
Fax: (212) 969-2900
rjcleary@proskauer.com

Ryan P. Blaney (RB-4984)
PROSKAUER ROSE LLP
1001 Pennsylvania Ave., N.W. Ste. 400S
Washington, DC 20004
Tel: (202) 416-5844
rblaney@proskauer.com

and

Eva M. Saketkoo (*pro hac vice*)
THE HEARST CORPORATION
OFFICE OF GENERAL COUNSEL
300 West 57th Street, 40th Floor
New York, NY 10019
Tel.: (212) 841-7000
esaketkoo@hearst.com

*Attorneys for Defendant
First DataBank, Inc.*

GREENBERG DAUBER EPSTEIN &
TUCKER, A Professional Corporation

By: s/ Linda G. Harvey

Linda G. Harvey (LH 8862)
Edward J. Dauber (ED 9360)
One Gateway Center, Suite 600
Newark, New Jersey 07102-5311
(973) 643-3700

and

Reid A. Aronson, Esq. (RA 8920)
JENNER & BLOCK, LLP
919 Third Avenue
New York, NY 10022-3908

Craig C. Martin, Esq. (*pro hac vice*)
Matt D. Basil, Esq. (*pro hac vice*)
JENNER & BLOCK, LLP
353 N. Clark Street
Chicago, IL 60654-3456

*Attorneys for Defendant Wolters
Kluwer Health, Inc. d/b/a Medi-Span*

So Ordered,

Hon. Joseph A. Dickson
United States Magistrate Judge